

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-
WRIT PETITION No.14446 of 2007

-
Dated: 06.07.2007

-
Between:

-
Sayed Yakoob, S/o Sayed Hyder.

... **PETITIONER**

And:

-
The A.P. State Wakf Board, rep., by its
Chief Executive Officer, Hyderabad and others.

.... **RESPONDENTS**

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-
WRIT PETITION No.14446 of 2007

-
ORDER:

Petitioner challenges the steps taken by the respondents herein to conduct auction of leasehold rights of an extent of Acs.76.22 guntas of land in various survey numbers of Koulas village of Jukkal Mandal in Nizamabad District. A reference is made to proceedings, dated 23.06.2007, through which the fourth respondent directed the local Mandal Revenue Inspector to conduct auction.

Petitioner contends that the lands, referred to above, were granted as service inam to his forefathers, for rendering services at Khunekhan Masjid and that on account of death of his father, he succeeded to the rights. An application is said to have been filed by the petitioner before the Deputy Collector, Atiyat, Bhodan, for grant of succession. Petitioner is also said to have filed an application before the first respondent to recognize him as Mutavalli. Petitioner further contends that he is enjoying the lands ever since the death of his father and towards the share of the first respondent he paid a sum of Rs.56,788/- for the year 2005.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Wakf Board.

Even according to the petitioner, his claim for succession is pending before the Deputy Collector, Atiyat, as well as the Wakf Board. Till the succession is granted, petitioner cannot exercise any rights, either over the mosque or the properties attached to it. At the instance of the first respondent, the fourth respondent had taken steps to auction the leasehold rights over the agricultural lands attached to the mosque. As of now, the petitioner is not conferred with any rights, either exclusive or otherwise, to enjoy the said properties. The amount of Rs.56,788/- appears to have been paid by the petitioner, almost as a lessee. Further, nothing is forthcoming as to the nature of enjoyment of the lands during the previous year. Therefore, this Court is not inclined to grant any relief to the petitioner, at this stage.

Hence, the writ petition is disposed of leaving it open to the petitioner to participate in the auction, proposed to be held for grant of leasehold rights. Further, it shall also be open to the petitioner to workout his remedies, depending on the outcome of the claims made by him before the first respondent and the Deputy Collector, Atiyat. There shall be no order as to costs.

06.07.2007

sh